

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, AUGUST 13, 2003
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
DINO F. BUCCI, JR.
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

Also in attendance: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Project Manager for Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

John Brennan called the meeting to order at 7:00P.M.

PLEDGE OF ALLEGIANCE

1. Resolution congratulating Immanuel Lutheran Church and School celebrating its 150th anniversary.

Clerk KOEHS reviewed the resolution acknowledging Immanuel Lutheran Church and School for serving Macomb Township for the past 150 years.

MOTION by DUNN seconded by OLIVER to adopt the Resolution for Immanuel Lutheran Church and School for serving the community for the past 150 years as follows:

Resolution

Minutes of a Regular meeting of the Township Board of Trustees of the Township of Macomb, County of Macomb, Michigan, held at the Township Hall at 54111 Broughton Road in said Township on August 13, 2003, at 7:00 P.M. Eastern Daylight Savings Time:

PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Janet Dunn, Charles Oliver, Dino F. Bucci, Jr.

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ABSENT: Kenneth Meerschaert, Jr.

WHEREAS, Immanuel Lutheran Church and School, located at 47120 Romeo Plank Road in Macomb Township, has let it be known that they have been serving the community for the past 150 years and,

WHEREAS, the Township of Macomb wishes to acknowledge Immanuel Lutheran Church and School's achievement of serving the community for the past 150 years and,

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Township of Macomb, Macomb County Michigan:

- 1. That the Township Board officially recognizes Immanuel Lutheran Church and School's long standing service to the community:**
- 2. That said service has been with honor and distinction:**
- 3. That the Macomb Township Board of Trustees is proud to present their Certificate of Achievement to Immanuel Lutheran Church and School in celebration of their 150 years of community service.**

AYES: DUNN, OLIVER, MALBURG, BUCCI, KOEHS, BRENNAN.

NAYES: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED

**Michael D. Koehs
Macomb Township Clerk**

MOTION carried.

- 2. Roll Call**

Clerk KOEHS called the Roll Call. Kenneth Meerschaert, Jr. absent.

MOTION by BUCCI seconded by OLIVER to refrain from calling the name of Kenneth Meerschaert, Jr., Township Board of Trustee Member for all future motions and roll calls.

MOTION carried.

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3. Approval of Agenda Items

MOTION by DUNN seconded by MALBURG to approve the agenda as amended.

MOTION carried.

4. Approval of Bills

MOTION by KOEHS seconded by OLIVER to approve the Bills as submitted.

MOTION carried.

5. Approval of the Meeting Minutes July 23, 2003

MOTION by BUCCI seconded by MALBURG to approve the previous meeting minutes of July 23, 2003 as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: John Sisk, Township resident stated his recommendation for the Township to consider one trash carrier. Mrs. Terry Gibb from Michigan State University Extension discussed future Planner Programs offered to Township elected and appointed officials.

7. Request to adopt the resolution approving the Building Authority contract.

Supervisor Brennan reviewed the resolution with the Board.

MOTION by OLIVER seconded by KOEHS to adopt the resolution approving the Building Authority contract and direct the Township Clerk to publish the following:

**TOWNSHIP OF MACOMB
COUNTY OF MACOMB, STATE OF MICHIGAN**

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan, held on the 13th day of August, 2003, at 7:00 o'clock p.m., Eastern Daylight Time.

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AT 7:00 P.M.

**PRESENT: Members: John D. Brennan, Michael D. Koehs, Marie Malburg,
Dino F. Bucci, Jr., Janet Dunn, Charles Oliver.**

ABSENT: Members: Kenneth Meerschaert, Jr.,

**The following preamble and resolution were offered by Member Charles Oliver
and supported by Member Michael D. Koehs:**

**WHEREAS, there exists in and for the Township of Macomb, County of
Macomb, Michigan (the "Township"), a need to acquire, construct, furnish and
equip two (2) new fire stations, together with site, utility and parking
improvements and all appurtenances and attachments thereto as described in
the Contract, as defined herein (the "Projects"); and**

**WHEREAS, the Township Board hereby determines that it is necessary for
the public health, safety and welfare of the Township to acquire the Projects for
the use of the Township; and**

**WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as
amended ("Act 31"), provides through the procedures of building authority
financing a means for the acquisition, construction and financing of the Projects;
and**

**WHEREAS, the Township, in accordance with the provisions of the Act 31,
as amended, has previously adopted Articles of Incorporation and has
established the Macomb Township Building Authority (the "Authority"), with
full powers to acquire and construct such buildings and facilities; and**

**WHEREAS, the Township Board determines it to be in the best interest of
the Township to acquire and finance the Projects through the Authority in
accordance with the provisions of the Act 31, as amended; and**

**WHEREAS, a Limited Tax Full Faith and Credit General Obligation
Contract of Lease, dated as of August 13, 2003, (the "Contract") between the
Township and the Authority providing for the acquisition, construction and
financing of the Projects and such matters as are deemed necessary thereto has
been preliminarily prepared; and**

**WHEREAS, in reliance upon the lease payments of the Township payable
under the Contract, the Authority intends to issue its building authority bonds in
one or more series pursuant to Act 31 for the purpose of paying all or part of the
costs of the Projects; and**

**WHEREAS, as a condition of the effectiveness of the Contract, the Township
must publish a notice to taxpayers and electors to the Township of its intention
to enter into the Contract and of certain matters related thereto.**

NOW, THEREFORE, BE IT RESOLVED THAT:

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- 1. The Township Board hereby determines it to be necessary for the public health, safety and welfare of the Township to acquire the Projects substantially as set forth in the Contract for the use of the Township.**
- 2. The Township Board deems it to be in the best interest of the Township to finance the cost of such facilities through the Authority in accordance with the provisions of Act 31.**
- 3. The Township Board hereby approves the Contract in substantially the form accompanying this Resolution for the acquisition and financing of the Projects, with such changes or revisions as may be necessary or advisable from time to time prior to the sale of the Bonds as approved by the Supervisor.**
- 4. The Supervisor and the Township Clerk are hereby authorized to execute and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of 60 days following the date of publication of the Notice, previously published by the Township Clerk, unless, under the provisions of Section 8(b) of Act 31, the effectiveness of the Contract is stayed by reason of the filing of a petition for referendum thereon within 45 days following the date of publication of the Notice and the resultant necessity of prior approval thereof by the qualified electors of the Township. A copy of the Contract shall be placed on file in the office of the Township Clerk and shall be available for public examination.**
- 5. The Township Board does hereby ratify and confirm its covenant in the Contract to levy ad valorem taxes against all taxable property in the Township to the extent necessary to meet the obligations of the Township there under in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the cash rental under the Contract shall be limited as to rate or amount in the manner provided by law.**
- 6. All expenditures made by the Township and the Authority for the Projects are intended to be reimbursed from the proceeds of the tax-exempt Bonds to be issued by the Authority.**
- 7. The reasonably expected source from which debt service on the bonds will be paid is general revenues received by the Township.**
- 8. The Supervisor, Clerk and Treasurer are each authorized and directed, on behalf of the Township to take any and all actions, perform any and all acts and execute any and all contracts, applications and other documents as shall be required, necessary or desirable to effect the proper public or private sale, execution and delivery of the bonds and to implement the contract, including, but not limited to: applying for ratings on the bonds and consulting with rating agencies in connection therewith and causing a preliminary and final official statement with respect to the bonds to be prepared.**

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9. The Supervisor, Clerk and Treasurer, or any of them, are also hereby authorized and directed, on behalf of the Township, to execute and deliver any documents or contracts necessary and advisable to accomplish the assignment or other conveyance of the Township's leasehold interest in the Site (as defined in the Contract) with respect to the financing contemplated herein.
10. The Township Board shall take actions within its control and it shall not fail to take any action as may be necessary to maintain the exemption of interest on the bonds issued by the Authority for the Projects from gross income for Federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended (the "Code").
11. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: OLIVER, KOEHS, MALBURG, BUCCI, DUNN, BRENNAN.

NAYS: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Macomb Township Clerk

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a regular meeting held on August 13, 2003, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Michael D. Koehs
Macomb Township Clerk

MOTION carried.

PUBLIC HEARING:

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8. Request for Special Assessment Street Lighting; Sycamore Estates Subdivision;
Section 26.

Supervisor Brennan opened the Public Hearing at 7:18P.M.

Supervisor Brennan reviewed the request for Special Assessment Street Lighting for Sycamore Estates Subdivision.

MOTION by OLIVER seconded by BUCCI to close the public hearing at 7:21 P.M.

MOTION carried.

MOTION by OLIVER seconded by MALBURG to approve the request for Special Assessment Street Lighting; Sycamore Estates Subdivision; Located in Section 26. This approval is contingent upon payment of the required fees being posted. The Special Assessment Street Lighting; Sycamore Estates Subdivision is as follows:

SAD, Street Lighting Sycamore Estates Subdivision

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on August 13, 2003, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Charles Oliver, Janet Dunn, Dino F. Bucci, Jr..

ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member Oliver and supported by Member Malburg.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public health; and

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WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Sycamore Estates Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$49,586.84, together with the first annual electrical service charge in the amount of \$8,962.70, the Township's at-large contribution is \$0.00.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, MALBURG, KOEHS, BUCCI, DUNN, BRENNAN.

NAYS: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

**Michael D. Koehs
Macomb Township Clerk**

SAD, Street Lighting, Sycamore Estates Subdivision

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the NW ¼ of Section 26, T3n, R13E., Macomb Township, Macomb County, Michigan, described as: Beginning at the NW corner of Section 26; Thence S.01°59'35"E 1266.14 feet along the west line of Section 26 and centerline of Card Road (66 feet wide); Thence N88°06'43"E 1470.20 feet; Thence N01°16'33"W 1062.51 feet to a traverse point "A", and continuing N01°16'33"W 48.12 feet to the centerline of the North Branch of the Clinton River; Thence along the centerline of the North Branch of the Clinton River, the following three (3) courses: (1) N53°25'07"W 48.12 feet, (2) N33°52'21"W 50.00 feet, (3) N34°09'10"E 112.68 feet to the north line of Section 26 and also along the traverse line from point "A", the following two (2) courses: (1) N56°04'52"W 134.41 feet and (2) N16°03'29"E 136.31 feet to the north line of Section 26; Thence S87°54'34"W 69.63 feet along the north line of Section 26 to a traverse point "B" on the north line of Section 26 from the centerline of the North Branch of the Clinton River; Thence continuing S87°54'34"W 1356.88 feet along the north line of Section 26 to the point of beginning. Containing 1869724 square feet or 42.9230 acres, more or less. Subject to existing Card Road right of way over the west 33.00 feet of the above described property. Subject to restrictions, reservations and easements, if any.

**Pre-Printed Portion of document
drafted by:**

MOTION carried.

PLANNING COMMISSION:

Please note items 9-11 have been combined and will be discussed as one item

9. Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);
Located on the northeast corner of Deneweth Road and Hall Road; LC Macomb
Real Estate, LLC, Petitioner. Permanent Parcel No. 08-35-476-035.

Supervisor Brennan reviewed agenda item nos. 9, 10, & 11 which have been combined and will be reviewed as one item. Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposed rezoning and recommended approval. Larry Dloski, Township Attorney discussed the restrictive covenants issues.

Public Portion: Don Verrier, Township resident discussed his concerns of the future development of the dividing wall. Supervisor Brennan reviewed the procedure for this

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rezoning proposal. The members of the Board held further discussion regarding the proposal.

Petitioner: Chris Hoffman present. Mr. Hoffman reviewed similar Auto Glass locations.

MOTION by KOEHS seconded by DUNN to approve the Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2); LC Macomb Real Estate, LLC, Petitioner. Parcel Nos. 08-35-476-010, 08-35-476-035, 040 have been combined the new parcel number pending.

MOTION carried.

10. Rezoning; Residential One Family (R-1) to Commercial General (C-2); Located on the north side of Hall road between North Branch and Deneweth Road; LC Macomb Real Estate, LLC, Petitioner. Permanent Parcel No. 08-35-476-040. (Prev. 08-35-476-028,029,030,032 & 037)

This item was discussed with agenda item number 9.

11. Rezoning; Residential One Family (R-1) to Commercial General (C-2); Located on the east side of Deneweth Road, 435 feet north of Hall Road; LC Macomb Real Estate, LLC, Petitioner. Permanent Parcel No. 08-35-476-010.

This item was discussed with agenda item number 9.

12. (This item was moved to agenda item no. 20a.)

13. Land Division Variance; Lake Arrowhead Site Condos; Located on the east side of Card Road and approximately ½ mile north of 21 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-26-100-006.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the Land Division Variance and Preliminary Plan Review with the Board.

Public Portion: None.

Petitioner: Christopher Cousino present.

MOTION by DUNN seconded by KOEHS to approve the land division variances for Section 17-132(d) be granted to eliminate a required stub street on the south property line in the area of lot 58 as shown on the site plan dated June 17, 2003 and for Section 17-140(a) be granted to eliminate the 20' landscape easement along the west half of the north property line, contingent upon the Master Deed specifically describing the property to the north being used as a lane. GTR Builders, Petitioner. Permanent Parcel No. 08-26-100-006.

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MOTION carried.

14. Preliminary Plan Review; Site Condo; Lake Arrowhead; Located on the east side of Card Road and approximately ½ mile north of 21 Mile Road; GTR Builders, Inc. Petitioner. Permanent Parcel No. 08-26-100-006. *This item was discussed with the previous agenda item.*

Public Portion: None.

Petitioner: Christopher Cousino present.

MOTION by DUNN seconded by MALBURG to approve the Preliminary Plan Review; Site Condo; Lake Arrowhead; with the condition that the Master Deed be amended and approved by the Township Attorney specifically describing the property to the north identified 60' in size for the use of a lane. Permanent Parcel No. 08-26-100-006.

MOTION carried.

15. Land Division Variance; Legacy Farms Subdivision; Located on the east side of North Avenue north of future 22 Mile Road; H & R Investments, Petitioner. Permanent Parcel No. 08-24-401-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the Land Division Variances and recommended approval.

Public Portion: None.

Petitioner: Christopher Cousino present.

MOTION by OLIVER seconded by MALBURG to approve the Land Division Variance for Section 17-138(c) be granted to allow the block length for the block of lots along the west property line and a Variance for Section 17-138(c) be granted to allow the string of lots 14-23, 130-155, and 175-184 to exceed the maximum length of 1,320 feet. H & R Investments, Petitioner. Permanent Parcel No. 08-24-401-004.

MOTION carried.

16. Tentative Preliminary Plat; Margherita Estates; Located on the west side of Card Road approximately ¼ mile north of 22 Mile Road; Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request and recommended approval.

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Public Portion: None.

Petitioner: Daryl Gapshes present.

MOTION by DUNN seconded by BUCCI to approve the Tentative Preliminary Plat; Margherita Estates; Located on the west side of Card Road approximately ¼ mile north of 22 Mile Road; Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014.

MOTION carried.

Addition:

16a. Final Plat; Westwood Pointe Subdivision; Located on the north side of 23 Mile Road and approximately 3000 feet east of Romeo Plank Road; D & K Land developers, Petitioner. Permanent Parcel No. 08-16-100-019.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Kevin West present.

MOTION by BUCCI seconded by MALBURG to approve the Final Plat and direct the Township Clerk to sign the mylar with the condition of receiving the discussed recorded restrictive covenants for Westwood Pointe Subdivision; D & K Land developers, Petitioner. Permanent Parcel No. 08-16-100-019.

MOTION carried.

OLD BUSINESS:

17. Extension of Time Request; Tentative Preliminary Plat; Pinnacle Woods Subdivision; Located south of 23 Mile Road and 330 feet west of Township Limits, Landtec of Macomb, L.L.C., Petitioner. Permanent Parcel Nos. 08-24-226-016, 08-24-226-015, 08-24-226-005, (part of) and 08-24-276-001 and 08-24-276-002.

Supervisor Brennan reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by DUNN to approve the Extension of Time until August 22, 2004 for the Tentative Preliminary Plat; Parcel Nos. 08-24-226-016, 08-24-226-015, 08-24-226-005, (part of) and 08-24-276-001 and 08-24-276-002.

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MOTION carried.

18. Request to adopt Resolution No. 1; Accepting formal petition and direct the Township Engineer to prepare plans and the total cost of the project; Sanitary Sewer Special Assessment; 24 Mile Road and Broughton Road. *(Tabled at the June 11, 2003 TWP Meeting)*

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposals for items 18 & 19. Larry Dloski, Township Attorney, stated that all of the Township costs should be included in the Township Engineers estimate.

Public Portion: None.

MOTION by DUNN seconded by KOEHS to adopt Resolution No. 1; Accepting formal petition and direct the Township Engineer to prepare plans and the total cost of the project; Sanitary Sewer Special Assessment; 24 Mile Road and Broughton Road as follows:

**SDA-MA085S
24 Mile Road Sanitary Sewer**

Resolution No. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on August 13, 2003, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Charles Oliver.

ABSENT: Kenneth Meerschaert, Jr.,

The following preamble and resolution were offered by Janet Dunn Member and supported by Member Michael D. Koehs.

WHEREAS, a Petition has been filed with the Township Board signed by the recorded owners of lands constituting more than fifty (50%) percent of the total land area to be benefited by the construction and installation of a sanitary sewer requested by the Petitioner and more particularly described in Exhibit "A" attached hereto and expressly made a part hereof; and,

WHEREAS, the Township Board desires to proceed with the Petition pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended.

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**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

- 1. The registered engineering firm of Spalding, DeDecker & Associates, Inc. of Rochester Hills, Michigan, is hereby ordered to prepare plans and specifications showing the sanitary sewer improvements requested by the petition, the location thereof, and an estimate of cost for the construction and installation thereof.**
- 2. When the plans and estimates are completed, the engineering firm shall file the same with the Township Board.**
- 3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.**

AYES: DUNN, KOEHS, MALBURG, BUCCI, OLIVER, BRENNAN.

NAYES: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

**Michael D. Koehs
Macomb Township Clerk**

**SDA-MA085S
24 Mile Road Sanitary Sewer**

CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a Regular meeting held on August 13, 2003 and that public notice of said meeting was given pursuant to Act 2567, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs

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**SDA-MA085S
24 Mile Road Sanitary Sewer**

EXHIBIT "A"

A 15-inch sanitary sewer and appurtenances along 24 Mile Road from Broughton Road to approximately 680 feet east.

**FOR THIS MOTION: DUNN, KOEHS, MALBURG, KOEHS, OLIVER,
BRENNAN.**

OPPOSED: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

19. Request to adopt Resolution No. 2; Set Public Hearing Date for Public Hearing No. 1 for necessity; 24 Mile Road and Broughton Road. *(Tabled at the June 11, 2003 TWP Meeting)*

This item was approved with the previous agenda item.

MOTION by DUNN seconded by KOEHS to adopt Resolution No. 2 and schedule a Public Hearing Date for September 10, 2003 for necessity; 24 Mile Road and Broughton Road as follows:

**SDA-MA085S
24 Mile Road Sanitary Sewer**

Resolution No. 2

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on August 13, 2003, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Charles Oliver.

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ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member Janet Dunn and supported by Member Michael D. Koehs.

WHEREAS, a Petition has been filed with the Township Board signed by the recorded owners of lands constituting more than fifty (50%) percent of the total land area to be benefited by the construction and installation of a sanitary sewer requested by the Petitioner and more particularly described in Exhibit "A" attached hereto and expressly made a part hereof; and,

WHEREAS, the Township Board desires to proceed on the Petition pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. The registered engineering firm of Spalding, DeDecker & Associates, Inc. in Rochester Hills, Michigan, has been requested to prepare plans showing the proposed sanitary sewer requested by the petitioner, the location thereof, and estimates of costs for construction and installation thereof.**
- 2. The engineering firm has filed said plans and estimates with the Township Board.**
- 3. The Township Board shall meet at the Township Hall located at 54111 Broughton Road, Macomb Township, Michigan, 48042 on September 10, 2003, at 7:00 o'clock, P.M., Eastern Daylight Savings Time, at which time and place the Township Board shall hear objections to the Petition heretofore filed, to the improvements to be constructed and installed and the establishment of a special assessment district as proposed.**
- 4. The Township Clerk is hereby ordered to cause notice of the hearing to be published twice prior to the hearing in the Macomb Daily a newspaper of general circulation in the Township, the first publication to be at least ten (10) days before the hearing, and shall cause notice to be mailed by first class mail to all owners of or persons in interest in property in the special assessment district as shown on the current assessment rolls of the Township at least ten (10) full days before the date of the hearing.**
- 5. The Notice shall be in substantially the following form:**

NOTICE OF HEARING ON ESTABLISHMENT OF

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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AT 7:00 P.M.

**SPECIAL ASSESSMENT DISTRICT FOR THE CONSTRUCTION AND
INSTALLATION OF A SANITARY SEWER BY THE TOWNSHIP OF
MACOMB**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

08-10-300-021	08-10-300-026	08-10-100-015
08-10-300-024	08-10-300-027	
08-10-300-025	08-10-100-014	

All land fronting 24 Mile Road, east of Future Broughton Road

PLEASE TAKE NOTICE that a petition has been filed with the Township Board of the Township of Macomb signed by the recorded owners of the above described lands constituting more than fifty (50%) percent of the total land area to be benefited by the construction and installation of a sanitary sewer proposed by the petition, and that the Township Board has tentatively declared its intention to make the improvements, particularly described as follows:

A 15-inch sanitary sewer and appurtenances along 24 Mile Road from Broughton Road to approximately 680 feet east.

Plans and estimates have been prepared and are on file with the Township Clerk for public examination.

TAKE FURTHER NOTICE that the Township Board will meet on September 10, 2003 at 7:00 o'clock P.M. at the Township Hall, 54111 Broughton Road, Macomb, MI 48042 for the purpose of hearing any objections to the petition, the construction and installation of a sanitary sewer and the creation of a special assessment district therefore.

Michael D. Koehs
Macomb Township Clerk

- 6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.**

AYES: DUNN, KOEHS, MALBURG, BUCCI, OLIVER, BRENNAN.

NAYES: NONE.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Macomb Township Clerk

SDA-MA085S
24 Mile Road Sanitary Sewer

CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a Regular meeting held on August 13, 2003, and that public notice of said meeting was given pursuant to Act 2567, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs
Macomb Township Clerk

SDA-MA085S
24 Mile Road Sanitary Sewer

EXHIBIT "A"

A 15-inch sanitary sewer and appurtenances along 24 Mile Road from Broughton Road to approximately 680 feet east.

SDA-MA085S
24 Mile Road Sanitary Sewer

AFFIDAVIT

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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TAKE FURTHER NOTICE that the Township Board will meet on September 10, 2003 at 7:00 o'clock P.M. at the Township Hall, 54111 Broughton Road, Macomb, Michigan 48042 for the purpose of hearing any objections to the petition, for the construction and installation of a sanitary sewer and the creation of a special assessment district therefore.

Michael D. Koehs
Macomb Township Clerk

FOR THIS MOTION: DUNN, KOEHS, BUCCI, MALBURG, OLIVER, BRENNAN.

OPPOSED: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

20. Request Release of Model Permit Bond; Buckingham Village Subdivision. Lot No. 1, Address: 20567 St. Martins. Girolamo D'Anna, Petitioner. Section 21.

Supervisor Brennan reviewed the request.

Public Portion: None.

MOTION by MALBURG seconded by BUCCI to approve the release of model permit bond for Buckingham Village Subdivision Lot No. 1, Address: 20567 St. Martins. Girolamo D'Anna, Petitioner. Section 21.

MOTION carried.

20a. Sanitary Sewer Diversion; Lone Oak Estates; Located on the north side of 22 Mile Road, ¼ mile west of Card Road; Polaris Enterprises, LLC, Petitioner. Section 22. *(Prevs. shown as item no. 12)*

Supervisor Brennan reviewed the request.

Public Portion: None.

Petitioner: Jim Grosser present.

MOTION by OLIVER seconded by KOEHS to approve the Sanitary Sewer Diversion; Lone Oak Estates; Section 22 with the condition that the petitioner

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contribute or deposit Five Thousand Dollars and 00/100 (\$5,000.00) with the Township Engineers as discussed.

MOTION carried.

NEW BUSINESS:

21. Liquor License Transfer request for Wolverine Golf Club, Inc. Cecil St. Pierre, Petitioner. Section 5.

Supervisor Brennan reviewed the request. Mr. Brennan recommended that the item be tabled due to the absence of the petitioner.

MOTION by BUCCI seconded by DUNN to table the Liquor License Transfer request for Wolverine Golf Club, Inc. Cecil St. Pierre, Petitioner. Section 5.

MOTION carried.

22. Proposed internet and intranet use policy.

Clerk KOEHS reviewed the internet and intranet use policy.

MOTION by OLIVER seconded by DUNN to approve the proposed internet and intranet use policy as discussed.

MOTION carried.

23. Resolution congratulating Immanuel Lutheran Church and School celebrating its 150th anniversary. *This item was discussed after the Pledge of Allegiance. Please refer to the beginning of this agenda.*
- 24A. Resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County, Paving of Card Road.

Supervisor Brennan reviewed the request.

MOTION by KOEHS seconded by MALBURG to adopt the resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County for the paving of Card Road as follows:

Resolution of the Board of Trustees

At a regular meeting of the Macomb Township Trustees that was called to order by Supervisor John D. Brennan on Wednesday, August 13, 2003 at 7:00 p.m., the following resolution was offered:

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Whereas, The Board of Trustees is desirous of improving the road system within Macomb Township for the benefit of its citizens, and;

Whereas, The Board of Trustees is desirous of working in cooperation with the Road Commission of Macomb County,

Now, Therefore, Be it resolved that the Board of Trustees of Macomb Township hereby authorizes John D. Brennan, the Macomb Township Supervisor, to sign the Cost Sharing Agreement with the Road Commission of Macomb County for the paving of Card Road between 23 Mile Road and 24 Mile Road.

Motion by KOEHS seconded by MALBURG that the request from Mr. Edwin Tatem from the Road Commission of Macomb County be considered for approval.

AYES: KOEHS, MALBURG, DUNN, BUCCI, OLIVER, BRENNAN.

NAYES: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

24B. Resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County, Resurfacing of Broughton Road and Card Road.

Supervisor Brennan reviewed the request.

MOTION by DUNN seconded by KOEHS to adopt the resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County for the resurfacing of Broughton Road between 25 Mile Road and 26 Mile Road as follows:

Resolution of the Board of Trustees

At a regular meeting of the Macomb Township Trustees that was called to order by Supervisor John D. Brennan on Wednesday, August 13, 2003 at 7:00 p.m., the following resolution was offered:

Whereas, The Board of Trustees is desirous of improving the road system within Macomb Township for the benefit of its citizens, and;

Whereas, The Board of Trustees is desirous of working in cooperation with the Road Commission of Macomb County,

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Now, Therefore, Be it resolved that the Board of Trustees of Macomb Township hereby authorizes John D. Brennan, the Macomb Township Supervisor, to sign the Cost Sharing Agreement with the Road Commission of Macomb County for the resurfacing of Broughton Road between 25 Mile Road and 26 Mile Road.

Motion by DUNN seconded by KOEHS that the request from Mr. Edwin Tatem from the Road Commission of Macomb County be considered for approval.

AYES: DUNN, KOEHS, MALBURG, BUCCI, OLIVER, BRENNAN.

NAYES: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

24C. Resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County, Resurfacing of Foss Road.

Supervisor Brennan reviewed the request.

MOTION by OLIVER seconded by MALBURG to adopt the resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County for the resurfacing of Foss Road between 24 Mile Road and 25 Mile Road as follows:

Resolution of the Board of Trustees

At a regular meeting of the Macomb Township Trustees that was called to order by Supervisor John D. Brennan on Wednesday, August 13, 2003 at 7:00 p.m., the following resolution was offered:

Whereas, The Board of Trustees is desirous of improving the road system within Macomb Township for the benefit of its citizens, and;

Whereas, The Board of Trustees is desirous of working in cooperation with the Road Commission of Macomb County,

Now, Therefore, Be it resolved that the Board of Trustees of Macomb Township hereby authorizes John D. Brennan, the Macomb Township Supervisor, to sign the Cost Sharing Agreement with the Road Commission of Macomb County for the resurfacing of Foss Road between 24 Mile Road and 25 Mile Road.

Motion by OLIVER seconded by MALBURG that the request from Mr. Edwin Tatem from the Road Commission of Macomb County be considered for approval.

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AYES: OLIVER, MALBURG, DUNN, BUCCI, KOEHS, BRENNAN.

NAYES: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

Addition:

24D. Resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County, Request for Model Permits; Sycamore Estates Subdivision. Section 26.

Supervisor Brennan stated that the request is premature and recommended that the item be tabled.

MOTION by KOEHS seconded by MALBURG to table the request for model permits for Sycamore Estates Subdivision; Section 26.

MOTION carried.

Addition:

24E. Resolution to authorize the signing of the cost sharing agreement with the Road Commission of Macomb County, Request for a Cut and fill / land balance for Golden Gate Section 22 & Gateway Farms Section 22.

Supervisor Brennan reviewed the request.

MOTION by KOEHS seconded by BUCCI to approve the request to cut and fill / land balance for Golden Gate Subdivision and Gateway Farms Subdivision located in section 22 as discussed.

MOTION carried.

PARK & RECREATION DEPARTMENT:

25. Metro Youth Fitness

Mr. Salvatore DiCaro, Parks & Recreation Director, reviewed the agenda item.
Informational only. No action taken.

26. Metro Youth Fitness Awards

Mr. Salvatore DiCaro, Parks & Recreation Director, reviewed the agenda item.

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Informational only. No action taken.

27. Fall Brochure

Mr. Salvatore DiCaro, Parks & Recreation Director, reviewed the agenda item.

MOTION by KOEHS seconded by BUCCI to approve the request for the Fall Brochure and allow Mith Creative Services to type set the brochure, total cost of Five Hundred Dollars and 00/100 (\$500.00), to allow Litho Printing to print the brochure total cost of Five Thousand Nine Hundred Twenty Five Dollars and 00/100 (\$5,925.00), and mail the brochures through the U.S. Postal Service, total cost of Three Thousand Four dollars and 42/100 (\$3,004.42) as submitted.

MOTION carried.

28. Fall Programs

Mr. Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the request for the fall programs not to exceed Twenty Eight Thousand Dollars and 00/100 (\$28,000.00) as discussed.

MOTION carried.

29. Park Name; Located on 25 Mile Road just east of Lutchman Road.

Mr. Salvatore DiCaro, Parks & Recreation Director, reviewed the request and held further discussion with the Board and Township Attorney.

Public Portion: None.

MOTION by DUNN seconded by KOEHS to allow the Township Parks & Recreation Director to place the announcement in the Parks & Recreation brochure to name the park located on the north side of 25 Mile Road just east of Lutchman Road as discussed.

MOTION carried.

WATER & SEWER DEPARTMENT:

30. Special Appreciation Awards

David Koss, Water & Sewer Superintendent reviewed the Special Appreciation Awards for the Hydrant Maintenance Division program granted to John Foehr, Tim Zuba, Jessica

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Brown, Amanda Blash, Glen Ross, and Crystal Heppler and Serena Billett. Mr. Koss stated that the individuals mentioned were unable to attend the meeting. *No Action taken.*

31. Easement Encroachment Agreement; Robert and Lisa Hutchinson, 22549 Gateway Drive, Macomb, MI 48044, Lot 140, Creekside Village Subdivision No. 4. Permanent Parcel No. 08-35-254-019.

David Koss, Water & Sewer Department Superintendent reviewed the request and recommended approval.

MOTION by OLIVER seconded by KOEHS to approve the Easement Encroachment Agreement; Robert and Lisa Hutchinson, 22549 Gateway Drive, Macomb, MI 48044, Lot 140, Creekside Village Subdivision No. 4. Permanent Parcel No. 08-35-254-019.

MOTION carried.

32. Easement Encroachment Agreement; James R. & Lisa R. Yaxley, 53545 Azalea Drive, Macomb, MI 48044, Lot 82, Villa Rosa Subdivision No. 2. Permanent Parcel No. 08-07-458-001.

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by KOEHS seconded by MALBURG to approve the Easement Encroachment Agreement; James R. & Lisa R. Yaxley, 53545 Azalea Drive, Macomb, MI 48044, Lot 82, Villa Rosa Subdivision No. 2. Permanent Parcel No. 08-07-458-001.

MOTION carried.

33. Easement Encroachment Agreement; Michael Paul & Cynthia M. Marsili, 51362 Midland Circle Drive, Macomb, MI 48042, Lot 64, Woodside Trails Subdivision. Permanent Parcel No. 08-16-354-008.

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by BUCCI seconded by KOEHS to approve the Easement Encroachment Agreement; Michael Paul & Cynthia M. Marsili, 51362 Midland Circle Drive, Macomb, MI 48042, Lot 64, Woodside Trails Subdivision. Permanent Parcel No. 08-16-354-008.

MOTION carried.

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34. Change Order No. 1; Card Road Sanitary Sewer; North of 23 Mile Road , MA99-33, Dan's Excavating Inc.

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by OLIVER seconded by KOEHS to approve the Change Order No. 1; Card Road Sanitary Sewer; North of 23 Mile Road , MA99-33, Dan's Excavating Inc.

MOTION carried.

35. Pay Certificate No. 3; Card Road Sanitary Sewer; North of 23 Mile Road, MA99-33, Dan's Excavating Inc.

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by DUNN seconded by MALBURG to approve the Pay Certificate No. 3; Card Road Sanitary Sewer; North of 23 Mile Road, MA99-33, Dan's Excavating Inc.

MOTION carried.

36. Request approval of training course for six (6) employees

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by DUNN seconded by BUCCI to approve the request for David Thael, Terry Yonka, Jeremy Griffor, Kevin Misch, Sal Maniaci and John Defresne to attend the Water Distribution System Personnel training course, total cost of Nine Hundred Dollars and 00/100 (\$900.00) as submitted.

MOTION carried.

37. Approval of Purchase Requisitions:
A. Theut Products (2)

David Koss, Water & Sewer Department Superintendent reviewed the request and recommended approval.

MOTION by DUNN seconded by KOEHS to approve the two purchase requisitions from Theut Products for the sidewalk replacement materials, total cost of One Thousand Seven Hundred Fifty Four dollars and 10/100 (\$1,754.10) and for the Fire

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Hall Station No. 2 Driveway materials, total cost of Four Thousand One Hundred Thirty Four dollars and 80/100 (\$4,134.80) as submitted.

MOTION carried.

37. Approval of Purchase Requisitions:
B. Michigan Cat (2)

David Koss, Water & Sewer Department Superintendent, reviewed the request and recommended approval.

MOTION by KOEHS seconded by OLIVER to approve the two purchase requisitions from Michigan Cat for the maintenance equipment for the Water & Sewer Department total cost of Two Thousand Four Hundred Ninety Five dollars and 55/100 (\$2,495.55) and the request for operating materials total cost of One Thousand Ninety Dollars and 00/100 (\$1,090.00) as submitted.

MOTION carried.

37. Approval of Purchase Requisitions:
C. Kush Paint

David Koss, Water & Sewer Department Superintendent reviewed the request and recommended approval.

MOTION by BUCCI seconded by DUNN to approve the purchase requisition for the hydrant maintenance materials total cost of One thousand One Hundred Forty Seven Dollars and 50/100 (\$1,147.50) as submitted.

MOTION carried.

BOARD COMMENTS:

38. Supervisor Comments:

Addition:

- 38A. Update on the Township Hall property land contract.

Supervisor Brennan reviewed the request.

MOTION by DUNN seconded by KOEHS to pay off the land contract remaining balance for the Township Hall property as discussed. Parcel No. 08-09-200-003.

MOTION carried.

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Addition:

38B. Township Employee Retirement Issue.

Supervisor Brennan reviewed the request.

MOTION by MALBURG seconded by DUNN to waive the eight (8) days of early retirement and pay former employee Roy Geer the personal and vacation time he would have been entitled to had he completed the eight days.

MOTION carried.

Addition:

38C. Discussion of a portion of the Township Park Property located on the north side of 25 Mile Road approximately ½ mile east of Luchtman Road. Section 4.

Supervisor Brennan reviewed the request and held further discussion with the Board concerning the sale of a portion of the 94 acre Park parcel as an Ice Skating Arena.

MOTION by DUNN seconded by BUCCI to direct the Township to pursue an opinion letter for an appraisal for property values and commence a negotiations pertaining to the property identified as a portion of the Township Park Property located on the north side of 25 Mile Road approximately ½ mile east of Luchtman Road Section 4.

FOR THIS MOTION: DUNN, BUCCI, OLIVER, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE.

ABSENT: MEERSCHAERT.

MOTION carried.

Addition:

38D. Request to receive a property donation.

Supervisor Brennan reviewed the property located approximately where on North Avenue, north of Hall and south of 21 Mile Road on the Westside of North Avenue which backs up to the river as discussed. Mr. Brennan stated the parcel as identified has been determined as land that is not buildable and mentioned that it could be used for recreational purposes.

MOTION by KOEHS seconded by OLIVER to approve the property donation request conditioned on legal review and recommendation. Parcel No. 08-35-276-005

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MOTION carried.

Addition:

38E. Request for Four (4) Township employees to attend 2003 Michigan Assessors Association Continuing Education.

Supervisor Brennan reviewed the request.

MOTION by KOEHS seconded by MALBURG to approve the request for Robert Thomas, Jennifer Meress, Beverly Benoit and Carole Nicholson, to attend the 2003 Michigan Assessors Association Continuing Education, total cost of Two Thousand Three Hundred Ninety Seven dollars and 44/100 (\$2,397.44) in addition, mileage and meals to be reimbursed upon return as submitted.

MOTION carried.

Addition:

38F. Personnel Director Position

Supervisor Brennan reviewed the request to appoint John F. Brogowicz to the Personal Director Position.

MOTION by OLIVER seconded by KOEHS to fill the Personnel Director Position with John F. Brogowicz.

MOTION carried.

39. Clerk Comments:

Addition:

39a. Request for computer anti-virus software

Clerk Koebs reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the Norton Anti Virus Enterprise 8.6 Media Kit; total cost of Twenty Two dollars and 67/100 (\$22.67), the Norton Anti virus Enterprise 8.6 Software License; total cost of Four Thousand Six Hundred Twenty Dollars and 00/100 (\$4,620.00), the Norton Anti Virus Enterprise 8.6 Software License; total cost of Two Thousand Five Hundred Forty Eight dollars and 00/100 (\$2,548.00) as submitted.

MOTION carried.

Addition:

39b. Request to purchase window coverings for the Township Hall.

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Clerk Koehs reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the request to purchase Township Hall window coverings from Vertical Vic's Custom Blinds & Drapery total cost of Five Thousand Five Hundred Twenty Eight dollars and 20/100 (\$5,528.20) as submitted.

MOTION carried.

40. Treasurer Comments: None.

41. Trustees Comments:

The Board held further discussion no action taken.

EXECUTIVE SESSION:

MOTION by DUNN seconded by KOEHS to adjourn into executive session at 9:04 P.M.

MOTION carried. *The Board reconvened at 9:23P.M.*

42. Review of consent judgment the Gambino and the Fairways of Macomb vs. Macomb Township

MOTION by KOEHS seconded MALBURG to accept the terms of Consent Judgment and authorize the Township Attorney to process.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by DUNN to adjourn the meeting at 9:23P.M.

MOTION carried.

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Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary
MDK/gmb